

Official Proceedings

August 6, 2019
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Agenda

Chairman Zander asked for any changes to the agenda. Dickinson Ambulance and opioid training were added.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Elkin

To approve the agenda as presented with the changes.

DISPOSITION: Motion carried

Minutes

The July 2nd, 2019 Board of County Commissioner's meeting minutes were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To approve July 2nd, 2019 Board of County Commissioner's meeting minutes as presented.

DISPOSITION: Motion carried

The August 1st, 2019 special Board of County Commissioner's meeting minutes were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Arthaud

To approve August 1st, 2019 special Board of County Commissioner's meeting minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Franchuk

To approve the accounts payable as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee

Sheriff Lee provided his monthly report which included the following:

- 1289 calls for service were reported with 411.25 additional courtroom security hours.
- 205 criminal papers were received, 143 were served, and 13 were DNF/Returned;
- There were a total of 296.25 hours of overtime at a cost of \$9,602.02;
- The arrest tally included 192 stops, 17 accidents, 101 citations, and 43 warnings for a total of 161;
- The Sheriff Sales and foreclosures received 0 executions and 0 Sheriff Sales;
- The truck reg. program had a total of 6 stops with a total of \$655.00 in fines;
- 137 civil papers were received and 94 were served;
- Transports included 1 for other counties, 15 criminal, 16 daily court, 1 medical, 11 mental health, and 4 juveniles;

- The monthly income included \$2,584.00 for civil, \$15,040.22 for truck reg, and \$145.00 for fingerprints. 24/7 spent a total of \$1,594.30.

Sheriff Lee presented a leave without pay request for an employee on military leave.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Elkin

To approve the leave without pay request as presented.

DISPOSITION: Motion carried

Sheriff Lee attended the South Heart City Commission meeting and advised they will be dissolving their police department and would like to contract with the Stark County Sheriff's Department. Initial discussion would be at a cost of \$1,000 per month. The Commission is in favor of proceeding with further discussion.

Deputy Keesler presented a requested fee change for civil paper service. This change would implement a flat mileage fee of \$20 within the City of Dickinson and \$40 for all other Stark County addresses in addition to the statutory paper service fees which are usually \$20.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Elkin

To adopt the suggested fees as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee discussed the Corporal pay increases that were previously requested. This would include four positions and funding is in the existing budget. Criteria for these positions include three years in Law Enforcement and 200 hours of post board credit not including the training academy. Finalizing this would complete the restructuring of the Sheriff's Department.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk

To approve the proposed salary increases.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee attended a meeting with the animal coalition and developed a plan in the event the department would need to collect dangerous dogs. The department would pay the City shelter \$15 per day for a maximum of two weeks. The owner of the animal would be responsible for reimbursement. If the owner does not pick up the animal, the department would absorb the cost. The shelter will not cover vet fees. To proceed a MOU would be required with the City of Dickinson.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

To approve the MOU pending the State's Attorney's review.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee proved a report on the K9 unit. He has tested a dog last week that performed very well and has current funding to move forward. This K9 will be a drug and tracking dog. Fundraising will continue to sustain the program.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Kuntz

To approve Sheriff Lee's request to proceed with the acquisition of the K9.

DISPOSITION: Motion carried

Bid Opening – Bridge Replacement 45-151-08.1

The following bids were received for the bridge replacement 45-151-08.1 (project #199568)

- Edward H Schwartz Construction, Inc. - \$170,307.00
- Martin Construction, Inc. - \$180,958.95
- Central Specialties Inc. - \$255,101.78
- Rachel Contracting - \$202,300.00

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To accept the low bid from Schwartz Construction in the amount of \$170,307.00.

DISPOSITION: Motion carried

Jeremy Wood

Mr. Wood provided his monthly report to include the following:

- COIB-5-983(061) 34th Street (between ND 22 and 113th Ave) – This project is a joint project between Stark County and the City of Dickinson to pave two miles of 34th Street from ND 22 west two miles. Bids were opened January 8th with Northern Improvement Company the low bidder at \$1,786,481.70. A preconstruction meeting was held on June 25th. Construction is complete except for striping and punch list items. I recommend Pay Estimate #1 in the amount of \$1,649,791.70.
- CP-45(19)02 80th Ave SW Bridge Replacement North of Antelope – The design is complete and easements secured for this bridge replacement project. Bids were opened March 5, 2019 with Baranko Brothers Inc. the low bidder at \$154,471.91. A pre-construction meeting was held on June 6th. Construction is complete. I recommend Pay Estimate #1 in the amount of \$159,305.25.
- CP-45(19)04 41st Street SW Bridge Replacement Southeast of Richardton – The design is complete and easements secured for this bridge replacement project. Bids were opened April 2, 2019 with Hlebechuk Construction the low bidder at \$189,539.86. Construction is expected to begin in mid-August.
- CP-45(19)03 127th Ave SW Bridge Replacement Southeast of Belfield – The design is complete and easements secured for this bridge replacement project. There are no utility adjustments/relocations anticipated for this project. Bids were opened May 7th with Martin Construction the low bidder at \$308,764.42. Construction is expected to begin in September.
- CP-45(19)01 30th Street (from ND 22 East 3.1 Miles) – We have completed an Engineer's Estimate for a grading project located on 30th Street (Dunn/Stark County Line) east of ND 22. The traffic counts have been completed. The survey and design is complete and we have begun coordinating with utility companies on estimated costs for potential adjustments/relocation. Bids were opened May 7th with Edward H Schwartz Construction the low bidder at \$559,714.05. Construction is expected to begin in late August or early September.
- We are in the process of completing several hydrology studies for smaller structures within the County. We will be able to provide replacement structures sizes for planning and budget purposes. We will present the results at the September meeting.

County Engineer – Andrew Krebs

Mr. Krebs provided the following monthly report:

- CBP-0045(17)03 35th Street SW Green River Low Water Crossing – Martin Construction, Project construction is complete. Waiting on remaining paperwork items from Contractor to finalize the project.
- BRO-0045(067)PCN21764 119th Ave SW Structure 45-113-20.0 Replacement – Schwartz Construction, Preconstruction meeting scheduled for July 30, 2019. Construction is anticipated to start August 1, 2019.
- BRO-0045(066)PCN21994 CMC 4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT. Draft environmental document was completed and submitted to the NDDOT for review. KLJ is waiting on comments.
- SC-4500(019)PCN22506 and SU-5-983(064)PCN22507 Chip Seal Paved Roads west of Dickinson – PS&E Plans submitted and meeting held July 24th. Final plans to be submitted by August 2nd. October 11, 2019 Bid Opening thru the NDDOT.

Mike Njos – Highlands Engineering

Mr. Njos provided his monthly report to include the following:

- 2019 Stark County Chip Seal (HES Project #199470) – The project is substantially complete with the seal coat, fog sealing, and pavement markings completed.
- 36th St SW Bridge Replacement 45-151-08.1 8 miles E. of Richardton (HES Project #199568) – The bid opening is scheduled for Tuesday, August 6th at 8:20am. If all documents are in order, we may award the project to the contractor that day. I will work closely with the Contractor in obtaining the BNSF Temporary Occupancy Permit in order to do work on their property. The Contract completion date is November 15th.
- 10th Ave E (Dickinson) Culvert Replacement ½ mile north of 21st St E (HES Project #199582) – With the structure sizing complete, we are proceeding with cultural resource survey, the wetland delineation, and Corps permit submission. We are planning for a November or December bid opening.

Road Superintendent - Al Heiser

Mr. Heiser provided his monthly report to include hauling gravel, replacing culverts, and adding gravel on 34th St SW. Mr. Heiser is planning the County auction sale in October, possibly the 5th.

Consolidated Maintenance Agreement

Mr. Fahlsing presented two Consolidated maintenance contracts for the telephone systems located at the courthouse and law enforcement center. These contracts will cover the systems of which the warrantee has expired. Combined, the contracts will cost \$3,900 per year.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To approve the maintenance contracts as presented with an annual payment to be taken out of the IT fund and authorize the Chairman's signature.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Council on Aging – Senior Citizens

Becky provided an overview and information packet to the Commission on the Council on Aging and is requesting 1 mill for the 2020 budget year.

Zoning

CUP 02-19 – Badlands Cellular of North Dakota Limited Partnership doing business as Verizon Wireless is requesting a conditional use permit for a 259-foot telecommunications tower on a property located in the SE4 of Section 17, Township 137, Range 99 containing approximately 156.4 acres on a lease area of approximately 0.23 acres. Planning and Zoning along with staff recommend approval subject to conditions.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz

To approve the conditional use permit as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

RZ 07-19 – Amber Gordon is requesting a rezoning from Agriculture to Rural Residential on a property located at 9287 Highway 10 in the SW ¼ of Section 34, Township 140, Range 93 containing approximately 12.55 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the rezoning request as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

CUP 03-19 – Chad Binstock is requesting a conditional use permit for a mobile home on a property located at 11061 47th Street SW in the S ½ of the E ½ of the W ½ of Section 27, Township 138, Range 96 containing approximately 7.71 acres. Planning and Zoning along with staff recommend approval subject to conditions.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the conditional use permit as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

TUP 01-19 – Central Specialties Inc. is requesting a temporary use permit for worksite housing on a property located in the SE ¼ of Section 18, Township 139, Range 91 containing approximately 90.86 acres. Planning and Zoning along with staff recommend approval subject to conditions.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz

To approve the temporary use permit as presented subject to the conditions.

DISPOSITION: Roll call vote. Commissioner Elkin, Aye. Commissioner Arthaud, Nay. Commissioner Franchuk, Aye. Commissioner Kuntz, Aye. Chairman Zander, Aye. Motion carried

SW District Health

Sherry Adams with the Southwest District Health Unit presented an overview of the proposed 2020 budget. There is a slight increase due to associated costs related to health insurance coverage. Ms. Adams also reminded the Commission of the joint commission meeting on September 4th regarding the budget.

Preliminary Budget

Ms. Haag advised that the County is mandated by the State of North Dakota to submit the approved preliminary budget to the State. The final budget will be submitted in September with a public hearing being held on September 3rd.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To accept the Stark County 2020 preliminary budget.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Scul

Mr. Cockeram presented the Guaranteed Maximum price for approval which needs to be submitted to JLG and advised nothing has changed since previously presented and is requesting the Chairman's signature.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

To approve the Guaranteed Maximum Price pending review of the State's Attorney's office and authorize the Chairman's signature.

DISPOSITION: Motion carried

Mr. Cockeram also presented billing for pre-construction in the amount of \$20,000 and application number one in the amount of \$179,724.41 and is recommending approval of payment.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To pay the preconstruction billing of \$20,000 and application number one of \$179,724.41.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Best Friends Mentoring – Kris Fehr

Ms. Fehr provide an overview of the Best Friends Mentoring program and is submitting a funding request of \$18,000 for the 2020 budget.

Kompleks Assessment Solutions – Signature

Ms. Wandler presented an authorization of agent to act on County's behalf to conduct assessments on a list of identified properties. This document will cover the assessment of these properties for the 2020 and 2021 assessment years.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To authorize the Chairman's signature on the authorization form as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Dickinson Ambulance

Barret Wicklund and Penny Lewis with the Dickinson Ambulance provided an overview of the ambulance service. They are requesting \$60,000 in the 2020 budget for a new ambulance, which is 1/3 the cost of a new ambulance. The Commission would like a partnership between Stark County and the City of Dickinson on assistance in funding the Dickinson Ambulance. The 2020 budget is still under consideration and no decision was made.

Lefor Petition – Fran Martin

Fran Martin provided a letter to the Commission regarding issues with abandoned homes in Lefor. Lefor is an unincorporated city and falls under the jurisdiction of Stark County. Additional information is being provided to the North Dakota Department of Health and the Stark County State's Attorney's office. Mr. Martin also advised there are dead trees leaning over the highway and Mr. Heiser agreed to have the Road Department take care of this issue.

Frank Kirschenheiter – Road Project

Frank Kirschenheiter with the City of Richardton is requesting support from Stark County on the Raider road project east of the school. This project includes an overlay with a cost share to Stark County. The total project cost is \$415,321 with a requested county share of \$156,584 which would be eligible under the special road and bridge fund.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To approve a minimum of 1/3 of the cost with the possibility of more as requested out of the special road and bridge fund.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Elkin

To approve \$160,000 out of the special road and bridge fund.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Portfolio

Chairman Zander advised after a review of the distribution of the portfolios, the Tax Director portfolio has been moved from Commissioner Arthaud to Chairman Zander.

Holiday Pay

Ms. Krebs is requesting clarification on the approved holiday time approved for July 5th, 2019. Some departments allowed eight hours, some allowed four hours, and the Sheriff's Department had deputies that did not receive the holiday pay.

MOTION BY: Commissioner Arthaud

SECOND BY: Commissioner Kuntz

To authorize those deputies that did not receive their time to receive the holiday pay.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Opioid Training

Curtis Olafson and Johnathan Novak presented information regarding an existing opioid litigation along with the trial and settlement process. A handout was provided showing which counties in North Dakota have signed onto the case. Mr. Novak advised his firm works on a graduated contingency fee where Stark County would not pay a fee for the attorney service.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Arthaud

To become part of the litigation lawsuit and engage the Nachawati Law Firm and authorize the Chairman's signature.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Other

Mr. Henning advised that there is a taxpayer in the County that has not received a building permit for a structure that is being built in the floodplain. The Zoning Director has the name and will be proceeding with stopping the construction.

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Franchuk

To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Ken Zander, Chairman